

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSEPH STAFFORD,
Petitioner,

No. C 16-3139 WHA (PR)

ORDER OF TRANSFER

v.

ERIC ARNOLD,
Respondent.

Petitioner is a state prisoner currently incarcerated at the California State Prison in Solano, California ("CSP Solano"). He has filed a petition for a writ of habeas corpus under 28 U.S.C. 2254 challenging prison disciplinary proceedings at his prison, which proceedings resulted in his loss of good time credits.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993). If the petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum. *See* Habeas L.R. 2254-3(b)(2);

1 *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).


2 Petitioner challenges prison disciplinary proceedings and the loss of good time credits at
3 CSP Solano, where he is also currently confined. Solano County within the venue of the
4 Eastern District of California. As his petition is directed to the manner in which his sentence is
5 being executed — i.e. the loss of time credits — the district of petitioner's confinement is the
6 preferable forum for this case. Accordingly, in the interest of justice, and pursuant to 28 U.S.C.
7 1406(a), that this action be **TRANSFERRED** to the United States District Court for the Eastern
8 District of California.

9 In light of this transfer, ruling on the application to proceed in forma pauperis (ECF No.
10 2) is deferred to the Eastern District.

11 The clerk shall transfer this matter forthwith.

12 **IT IS SO ORDERED.**

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14 Dated: July 15, 2016.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE